

## REMARKS

In the *Claims Rejection* – 35 USC § 103 section of the outstanding Office Action, all of the pending claims were rejected as being unpatentable over the Zimmerman patent in view of the Chan patent (USP 5,376,796). The Chan patent was cited to overcome the deficiencies of the Zimmerman patent alone; which Zimmerman patent was previously used to reject the claims by itself in the previous Office Action and which deficiencies were noted in applicant's prior response thereto dated July 25, 2003.

The Chan patent was issued December 27, 1994 based on an application filed November 25, 1992. The present application claims benefit (see applicant's Amendment filed November 1, 2001 which correctly lists the parentage of the present application<sup>1</sup>, and which thus corrected the listing on the original filing receipt which mis-ordered the parent applications) of serial number 07/946,588 filed September 18, 1992. Thus, it will be appreciated that if the present claims have basis in this parent application, then the Chan patent is not prior art (under any portion of § 102) to the present application.

With reference to SN 07/946,588, now abandoned (or perhaps more easily to USP 6,008,800, a continuation of SN 07/946,588 and having the same disclosure), it will be appreciated that basis for the present claims is found with reference primarily to the figure 5 embodiments disclosed therein. These figures disclose the noted ball throwing and other games including all of the elements of independent claims; and

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<sup>1</sup> As follows: "This application is a continuation of application Serial No. 08/496,908 filed June 29, 1995, now Patent No. 5,982,352; which is a continuation-in-part of application Serial No. 08/290,516 filed August 15, 1994, now Patent No. 6,008,800; which is a continuation of application Serial No. 07/946,588 filed September 18, 1992, now abandoned."

dependent claims (either directly or indirectly). Therefore, as the present claims have basis in USSN 07/946,588, the **Chan patent is not prior art**.

Since the Chan patent is not prior art, and since the deficiencies of the Zimmerman patent are previously established (by both applicant and the examiner in the present action), it is apparent that the present claims are allowable over the Zimmerman patent itself (all that remains of the prior art rejection).

For all of the foregoing reasons, it is submitted that the present application is in condition for immediate allowance and such action is solicited.